

JAN 22 2008

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ENRIQUE ZURITA SANTANA,

Defendant - Appellant.

No. 06-50442

D.C. No. CR-05-00276-ER

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Edward Rafeedie, District Judge, Presiding

Submitted January 14, 2008^{**}

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Enrique Zurita Santana appeals from the 36-month sentence imposed following his guilty-plea conviction for being a felon in possession of a firearm in

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

violation of 18 U.S.C. § 922(g)(1). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Santana contends that the criminal history category calculated by the district court significantly overrepresents the nature of his criminal history. Based on the record before us, we cannot say that Santana's sentence is unreasonable. *See Gall v. United States*, 128 S. Ct. 586, 597-98 (2007).

AFFIRMED.